



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

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October 21, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

MILITARY LEAVE– RETIREMENT CONTRIBUTIONS (ALL DISTRICTS) (3 VOTES)

SUBJECT

Recommendation to clarify County policy with regard to the compensation of military reservists.

IT IS RECOMMENDED THAT THE BOARD:

Approve the accompanying resolution that a) clarifies that, since 1991, the Los Angeles County Code has been the governing authority for Board-approved paid military leave benefits for County employees; and b) rescinds any and all Board directives prior to August 1, 1990 pertaining to benefits allocated during periods of military service.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Beginning with the Iraq-Kuwait Crisis in 1990, the County of Los Angeles has provided special paid leave benefits to employees who are military reservists and who are ordered into active military service. These benefits are set out in Title 6 of the County Code and are designed to supplement the difference between a reservist's County salary and his or her military salary, where the military salary is less (the preponderance of the cases). They also keep each reservist's employee benefit coverage intact for the duration of the paid leave. These measures are intended to protect the affected employees from financial loss as a consequence of military activation.

Over the years, the benefits established in 1990 have been extended by the Board to other military situations. This has included the conflicts in Bosnia and Yugoslavia, and the War on Terrorism. The Board has also adjusted the maximum duration of the benefits in an effort to meet the demands

being placed on reservists by the United States military. In 2012, the Board approved the extension of these benefits with no duration limit to all ordered active military service regardless of the specific purpose or nature of that service. These changes are also set out in Title 6 of the County Code, and will be subject to further review by the Chief Executive Officer with a report back to the Board by July 1, 2015.

By protecting reservists from financial loss, the County is also protecting each reservist's ability to pay any required employee contributions to the employee benefit programs in which that individual may participate. This includes health and other group insurance programs covering the employee and any enrolled dependents, and the County's retirement program. Employee purchasing power is effectively maintained through the combination of County and military pay, which, in the aggregate, can be no less than a reservist's regular County salary prior to activation. And, in the case of employee retirement contributions, employee payments may be made during the course of active military service or at any time within five years after completion of that service. This is a right guaranteed by federal law.

Prior to 1990, there was no paid military leave provided by the County, and no guaranteed continuity of employee benefits during the course of active military service. There was, however, at least one Board-established policy and there may have been others that provided for the County to reimburse employees, under designated conditions, for certain benefits attributable to periods of military service dating back to World War II. The prior policies addressed an important need, and that need is also addressed by the financial protections inherent in the policy created in 1990. The old policies are effectively obsolete and superseded by current policy.

Although all pre-1990 policies are invalid, those established by Board actions and resolutions were never formally repealed. In light of these facts and to avoid any potential misunderstanding or confusion over these benefits, we are recommending that the Board take action now to repeal any and all prior policies and reaffirm that, since 1990, the provisions in Title 6 of the County Code have been the sole governing authority with respect to the compensation and benefits of the County's military reservists. It would be appropriate to take this action by adoption of the accompanying resolution, which has been approved as to form by the County Counsel.

Implementation of Strategic Plan Goals

The recommended actions are consistent with the principles of the Countywide Strategic Plan by promoting the well-being of County employees who are reservists.

FISCAL IMPACT/FINANCING

None.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The County Counsel concurs with the legal appropriateness of these recommendations.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

The Honorable Board of Supervisors
10/21/2014
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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF', followed by a large, stylized capital 'M' and a horizontal line extending to the right.

WILLIAM T FUJIOKA
Chief Executive Officer

WTF:BC:JA:MTK
WGL:LSB:mst

Enclosures

c: Executive Office, Board of Supervisors
County Counsel

RESOLUTION CLARIFYING THE GOVERNING AUTHORITY FOR COUNTY PROVIDED PAID MILITARY LEAVE BENEFITS

WHEREAS, in 1990, Title 6 of the Los Angeles County Code was amended to provide paid military leave benefits for County employees who, as military reservists, were ordered into active military duty in connection with the Iraq-Kuwait crisis; and

WHEREAS, through subsequent Board actions, the military leave benefits established in said Title 6 were extended to military reservists ordered into active military duty in connection with military missions in Bosnia, Yugoslavia, the War on Terrorism, and, most recently, any active military service regardless of the specific nature or purpose of that service; and

WHEREAS, the paid military leave benefits set out in Title 6 are intended to protect military reservists from financial loss during periods of active military service by:

- a) Supplementing the difference between a reservist's County salary and his military salary, where the military salary is less, and
- b) Maintaining the continuity of County provided employee benefit coverage when the employee elects to continue coverage by making their contribution, including the continuity of County contributions to that coverage, and
- c) Protecting each reservist's financial capacity to make any required employee contributions to County provided employee benefit programs, including employee contributions to the County's retirement system; and

WHEREAS the paid military leave policy set out in Title 6 was designed to replace any and all policies in place prior to 1990, which provided for the reimbursement of employees for certain benefit contributions; and

WHEREAS, the Board desires to reaffirm and clarify that the 1990 paid military leave policy set out in Title 6, as amended, supersedes all prior policy.

THEREFORE, IT IS HEREBY RESOLVED THAT:

1. All Board orders and resolutions adopted prior to August 1, 1990 pertaining to any form of benefits authorized for County employees during periods of active military service, are deemed rescinded and repealed effective upon the 1990 adoption of amendments to Title 6 of the Los Angeles County Code related to military leave benefits; and
2. Title 6 of the Los Angeles County Code is, and has been, the sole governing authority for the County's paid military leave benefits since August 1, 1990.


The foregoing resolution was adopted by the Board of Supervisors of the County of Los Angeles at the regular meeting on the 21st day of October 2014.

SACHI A. HAMAI
Executive Officer
Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:

MARK J. SALADINO
County Counsel

By 
ROSEMARIE BELDA
Principal Deputy County Counsel
Labor & Employment Division